

A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO MICHAEL J. NOVACHEK OF RAY FOGG BUILDING METHODS, INC., APPLICANT, AND JOSEPH WEBER OF BH OHIO LEASING, LLC, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A SECOND INDUSTRIAL BUILDING IN THE PLANNED SEASONS BUSINESS PARK LOCATED ON SEASONS ROAD EAST OF S.R. 8, IN THE CITY OF STOW AND DECLARING AN EMERGENCY.

WHEREAS, on March 8, 2016, the Planning Commission did recommend to this Council the granting of site plan and variance approval as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Michael J. Novachek of Ray Fogg Building Methods, Inc., applicant, and Joseph Weber of BH Ohio Leasing, LLC, property owner, are hereby granted site plan and variance approval to permit the construction of a second industrial building in the planned Seasons Business Park located on Seasons Road east of S.R. 8.

The applicant is proposing to construct a second industrial building that could be utilized for office, manufacturing or warehouse uses. It will be located on Lot 2 of the Seasons Business Park development on the southeast corner of Seasons Road and Scarlett Lane immediately east of Seasons Business Center 1 located at 4945 Scarlett Lane. It will be 114,188 square feet in area and will feature 32 foot high clear ceilings and multiple loading docks on the west side.

The proposed building will be accessed from three locations: two curb cuts off of the existing circulation drive west of the building; and one off of Seasons Road. A total of 143 parking spaces are proposed for the proposed building. Future additional parking (86 spaces) is proposed to be located north of the structure and east of the proposed parking lot.

Like Seasons Business Center 1, the exterior of the building will be finished in concrete with alternating colors and horizontal and vertical accents. The northeast corner will feature a significant glass area and a horizontal beam clad in aluminum. Windows will also be installed on the upper portion of the exterior walls on each side of the building.

This proposal shall be in accordance with the provisions contained under Sections 1147.01 through 1145.09, C.O.S.


- (A) This approval grants a variance from C.O.S. Section 1147.04 to permit a portion of the "future" parking lot to be located adjacent to the Seasons Road right-of-way.
- (B) Further, such proposal shall be contingent upon the applicant complying with the following terms and conditions:
 - 1. The applicant shall either execute the Assent and Acceptance By Applicant attached hereto or, in lieu thereof, and pursuant to 965.01, C.O.S., the applicant shall post a cash or surety bond in the amount of \$2,500 to the City of Stow to guarantee the applicant's faithful performance of all conditions and stipulations contained herein. Said bond shall be in a form approved by the Law Director.
 - 2. To the Building and Engineering Departments' approval of construction plans.
 - 3. To the City Arborist's approval of the landscape plans.

4. The Fire Department's approval of fire hydrant locations.
5. To compliance with the Site Plan and building elevations as approved by the Planning Commission on March 8, 2016, which are incorporated herein by reference and made a part hereof as if fully reappearing herein.
6. This approval is non-assignable and may not be transferred without the consent of Council.
7. This approval shall expire within one (1) year of the date of this enactment unless prior thereto a building permit has been issued and actual construction undertaken.
8. The authorization granted by this legislation shall become null and void if it is not signed or if the bond is not posted within 30 days from the effective date of this legislation.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and committees and subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. That this Resolution was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that the applicant wishes to maintain his current development schedule and complete the project by the end of 2016, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 3/10/16

ATTEST 
 Bonnie J. Emahiser
 CLERK OF COUNCIL


 Mike Rasor
 PRESIDENT OF COUNCIL

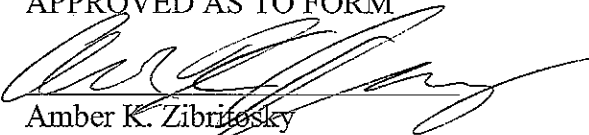
FILED WITH MAYOR 3/11/16

APPROVED

FILED WITH CLERK 3/11/16


 Sara Drew
 MAYOR

APPROVED AS TO FORM


 Amber K. Zibritosky
 LAW DIRECTOR

EFFECTIVE DATE 3/11/16

ASSENT AND ACCEPTANCE BY APPLICANT

I, Mike Novachek of Ray Fogg Building Methods, Inc., applicant and I, Joseph Weber of BH Ohio Leasing, LLC, property owner, have read the foregoing enactment by Stow City Council and do hereby assent and accept all terms and conditions contained herein as being the basis upon which approval was granted and upon which the authorized activity is expressly conditioned.

RAY FOGG BUILDING METHODS, INC.

Date

BY: Mike Novachek

BH OHIO LEASING, LLC

Date

By: Joseph Weber